

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

AMAZON.COM, INC.; AMAZON.COM
SERVICES LLC; AND AMAZON WEB
SERVICES, INC.,

Defendants.

Case No. 7:24-CV-00030-ADA-DTG

JOINT CLAIM CONSTRUCTION STATEMENT

Plaintiff VirtaMove, Corp. (“Plaintiff” or “VirtaMove”) and Defendants Amazon.com, Inc.; Amazon.com Services LLC; and Amazon Web Services, Inc. (collectively, “Amazon”) respectfully submit this Joint Claim Construction Statement in anticipation of the claim construction hearing scheduled for January 9, 2025. The asserted patents are U.S. Patent Nos. 7,519,814 (the “’814 patent”), and 7,784,058 (the “’058 patent”). The currently asserted claims are set forth below and the parties’ agreed and disputed claim construction positions are shown in Appendix A, attached hereto.

- ’814 patent – claims 1, 2, 4, 6, 8, 9, 10, 13, and 14
- ’058 patent – claims 1, 2, 3, 4, 5, 10, and 18

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CERTIFICATE OF SERVICE

I certify that on December 18, 2024, a true and correct copy of the foregoing document was electronically filed with the Court and served on all parties of record via the Court's CM/ECF system.

/s/ Christian W. Conkle

Christian W. Conkle

APPENDIX A**I. DISPUTED CONSTRUCTIONS**

Claim Language	VirtaMove's Proposed Construction	Amazon's Proposed Construction
disparate computing environments ('814 patent, claim 1)	environments run by standalone <i>or unrelated</i> ¹ computers	Indefinite
container ('814 patent, claim 1)	An aggregate of files required to successfully execute a set of software applications on a computing platform. Each container for use on a server is mutually exclusive of the other containers, such that read/write files within a container cannot be shared with other containers.	An aggregate of files required to successfully execute a set of software applications on a computing platform is referred to as a container. Each container for use on a server is mutually exclusive of the other containers, such that read/write files within a container cannot be shared with other containers. A container comprises one or more application programs including one or more processes, and associated system files for use in executing the one or more processes; but containers do not comprise a kernel; each container has its own execution file associated therewith for starting one or more applications.
critical system elements ('058 patent, claim 1)	any service or part of a service, "normally" supplied by an operating system, that is critical to the operation of a software application	Indefinite
functional replicas ('058 patent, claim 1)	No construction necessary; plain and ordinary meaning.	Indefinite

¹ VirtaMove contends that *in the context of the asserted claims*, "disparate computing environments" would not extend to "unrelated computers," so if the Court construes this term, the "or unrelated" language could be excised from VirtaMove's proposed construction.

Claim Language	VirtaMove's Proposed Construction	Amazon's Proposed Construction
forms a part of the one or more of the plurality of software applications ('058 patent, claim 1)	No construction necessary; plain and ordinary meaning.	resides in the same address space as application code

II. AGREED CONSTRUCTIONS

Claim Language	Agreed Construction
Preamble of '814 patent, claim 1	The preamble of '814 patent claim 1 is limiting.
shared library ('058 patent, claim 1)	an application library whose code space is shared among all user mode applications